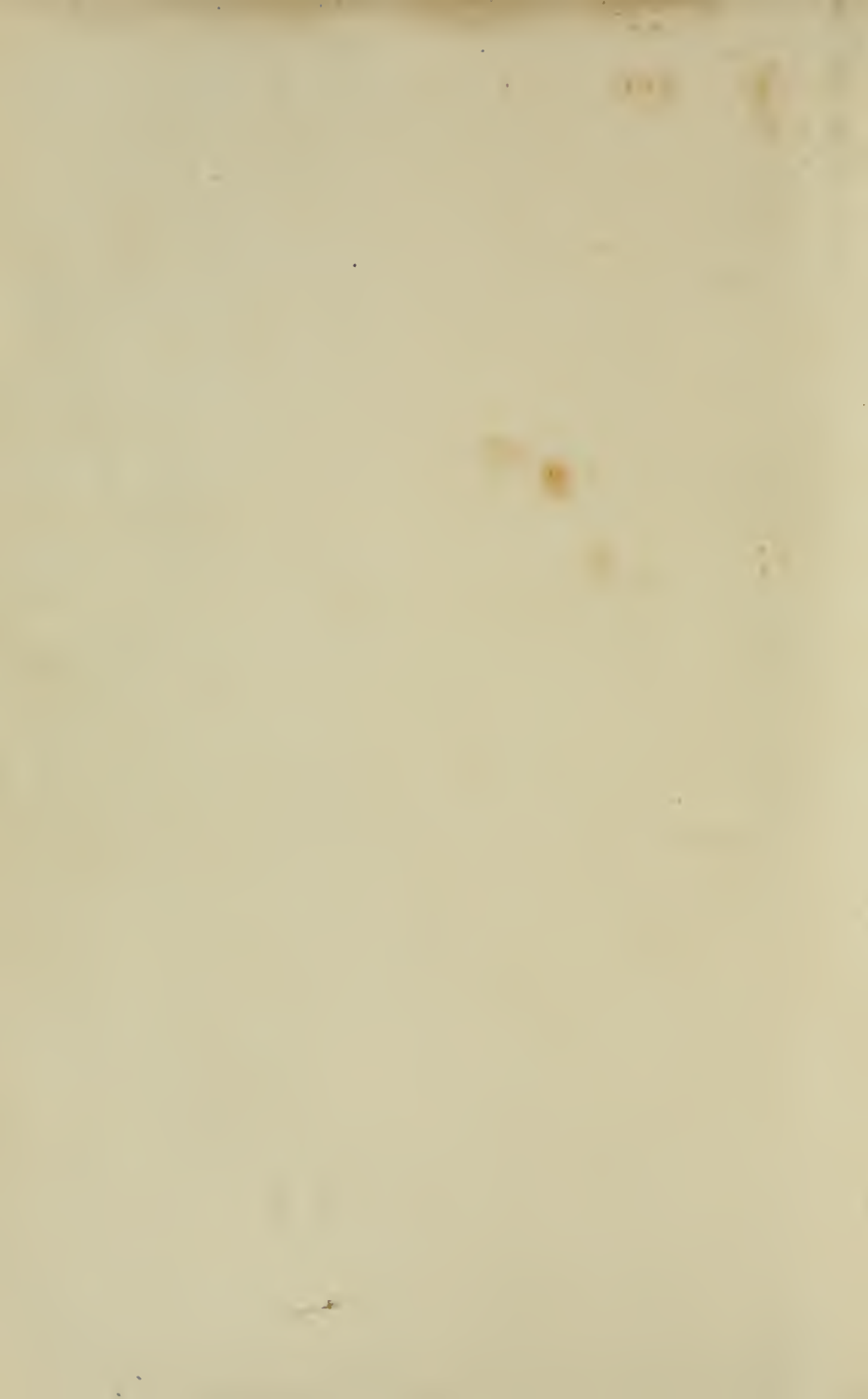






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# S P E E C H

OF THE

RIGHT HON. W. E. GLADSTONE,

ON

THE SECOND READING

OF THE

DISSENTERS' CHAPELS BILL,

ON THE 6TH OF JUNE 1844.

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## DISSENTERS' CHAPELS BILL.

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I AM bound, Sir, to offer my sincere apologies to the House, for presuming to address them in relation to a subject which does not come within my own peculiar official department. But as this is a question which is considered by the public to bear an intimate relation to the interests of religion—as it is a question with respect to which my right honourable friend at the head of Her Majesty's Government and his colleagues have been supposed—I believe in perfect sincerity—by many parties, to have shewn a most culpable disregard of the interests of religion—as I have thought it my duty to look into the question, and to examine the whole subject with the most scrupulous anxiety and with the best attention in my power,—and as I have made up my mind that this is a Bill which it is absolutely incumbent upon this House to pass, unless they are willing that it should be believed that they are indifferent to the sacred principles of justice, I desire to take my share in any responsibility which may attend the proposal and support of this measure.

Now allow me to say, in the first instance, that I distinguish broadly between the substantial purpose which we have in view, and the precise form of the legal instrument by which it is proposed to effect that purpose. It would be most presumptuous in me if I were to deliver any opinion, as to the particular language in which the Bill or the particular clauses of the Bill are framed. Into those questions I shall not venture to enter. I have before me a great question of justice. That question I apprehend to be in substance, whether those who are called in England Presbyterian Dissenters, and who were, I believe, a century and a half ago, universally of what are called Trinitarian sentiments in religion, ought or ought not, being now generally Unitarians, to be protected at the present moment in the possession of the chapels which they hold, with the appurtenances

to those chapels. Now that is a substantial question of justice, and upon that question I venture to entertain the strongest opinion.

Now, Sir, let me observe, that really the speeches against the Bill delivered in this debate by my honourable friend the Member for the University of Oxford, and by the right honourable gentleman the Member for Perth, have not contained, I would almost say, one syllable of argument against the principles of the Bill. I bear a most willing testimony to the temper of those speeches. Nothing could be more satisfactory than the spirit which dictated them, and it is not from those gentlemen that we shall have the religious character of Unitarianism brought in and urged upon us as a reason for rejecting this measure. I heard the honourable Member for the University of Oxford, and the right honourable gentleman opposite, make use of various arguments as to the effect which particular parts of this Bill would have on particular parties, but neither of them at all approached the question in a general view, whether or not Unitarians ought to be protected in the possession of their chapels. Now I wish to throw aside every issue which is unimportant, or with respect to which we are not in dispute. I do not enter at all into the inquiry whether Unitarians ought to be protected in the possession of property originally given specifically for Unitarian purposes. Of that I apprehend there cannot be a doubt. But what I am prepared to argue is, that though the original founders of these meeting-houses may have been, and were, in the vast majority of instances, persons entertaining Trinitarian opinions, yet that on principles of justice the present holders of the property, being Unitarians, ought to be protected in the enjoyment of it.

But, Sir, there is an exception to the general statement I have made, that the objections to the Bill have been confined to matters of detail: my honourable friend, the Member for Kent, did touch the principle of the Bill; but he touched it, he must allow me to say, in the way of mere assertion and assumption. He used indeed strong, very strong language. He first said that the opposition offered to this Bill was an opposition of a cha-

rafter to which the Government ought to pay respect, and out of respect to which they ought to withdraw the Bill. I trust that the Government do pay respect to every opposition which is conscientiously offered and fairly conducted. I believe that this opposition has been so offered, and I believe that it has arisen much less from a disposition to theological animosity, than from misapprehension and unacquaintance with the facts. I therefore respect the opposition to the Bill: but I deem it nevertheless my duty to support it upon its merits.

But, Sir, my honourable friend went on to say that this Bill offers an insult to the feelings of religious persons. I know that no particle of bitterness enters into his composition; but if this be a Bill required by the principles of justice, then, so far from the passing of it being an insult to the Christian feelings of the people of England, the Christian feelings of the people of England should require us to pass the Bill. And I am persuaded that the Christian feeling of the people, when they possess more full and adequate information upon this subject, and when it shall have been further discussed, would induce them to call upon the House to give full effect to the principles embodied in this Bill. I must say, I think that great prejudice has been excited in the public mind from some undefined association between the purposes of the Bill and the case of Lady Hewley's bequest. I think it has been hastily and rashly assumed—one cannot be surprised at it—that this Bill is intended substantially to prevent the doing again what was done in Lady Hewley's case. Without pretending to look with a legal eye upon this question, I am sure that I shall be borne out by lawyers when I say, that there is a broad distinction between the case of Lady Hewley's charity and the general class of cases to which this Act is to apply. Lady Hewley was a foundress. There can be no doubt of that. She devoted a large portion of her property in trust to be administered according to her will, and for certain purposes. But are the parties who instituted the chapels to which this Bill refers, founders at all? I ask that question—whether they are in the eyes of the law entitled to be considered as founders at all? I apprehend that they were parties not

devoting their property for the benefit of others, but parties devoting it to their own purposes during their lifetime, though undoubtedly after their death that property would descend to others. I believe that the difference between the cases is broad and practical, and that the right which a founder has to have his intentions ascertained, respected, and preserved, is a right of a nature entirely different from that which may be possessed by any persons who associate together to form a body, who are to be the first to enjoy the benefits arising from that association, and which body is to be propagated by the successive entrance of new members, in the natural course of mortality, through the following generations. I must be permitted to say also that, in the case of Lady Hewley, it cannot be said, as I think, that there was no indication of the intentions of the foundress. Lady Hewley made reference to the Apostles' Creed, to the Ten Commandments, and to the Lord's Prayer, and not only to these, but to the Catechism of Mr. Bowles, a Catechism of Anti-Unitarian doctrines, and one going extensively into detail upon those doctrines. This at least applies to one of the deeds which she executed—the deed of 1707, connected with the alms-houses. But we are now dealing with cases in which there are no clear intentions of the founders specified; therefore I do trust and beg that honourable gentlemen will put altogether out of their mind the case of Lady Hewley, and that they will consider this question quite apart from the merits of that case.

Now let me state to the House the main and summary allegations which are principally relied on both by the Defenders and by the Opponents of the Bill. In a petition from a body entitled "The General Assembly of General Baptist Churches," which I have to-night presented to the House in favour of the Bill, the parties state their case to be that they have a good moral title to the property in question, which good moral title is at present endangered by a mere technical rule of law. The parties who oppose the Bill (I quote from the pamphlet of Mr. Evans, who states his case very clearly) hold the following language:—"The Law says that the will of the founder is to be observed—this Bill says that the will of the founder is not to



be observed." For the moment, I pass by the question whether these parties were founders or not founders, only observing, that if they were not founders, it is impossible for you to make out that any change in the form of doctrine professed in the chapels, can constitute a breach of trust. If they were the mere representatives of the first partners or associates in these congregations, I believe it would be impossible for you to raise even the faintest presumption, that there was any obligation whatever incumbent upon the congregations in succeeding times to perpetuate the presumed opinions of those first associates. But I am not content to stand upon that ground. I do not think it necessary even to stand upon the ground taken by my right honourable friend, the Member for Edinburgh. I think that in a part of the very able speech which he has made to-night, he appeared to allow that there might originally have been a case of fraud, and yet that the parties in possession might be permitted to retain that possession. This may be true, but I confess I do not think that in taking our stand upon such a proposition, we do full justice to the case. I confess, for my own part, that if it could be shewn to my satisfaction that there was a case of fraud, even though committed long ago, I should view the matter as one of considerable difficulty. If, indeed, this were proved, there would still remain many matters which I could not dismiss from my mind. I should still have to consider the position in which the present holders stand,—I should consider that they, and even those who have immediately preceded them, are on all hands allowed to be innocent both in act and in intention—I should take into view the length of time during which their opinions have prevailed—I should not forget that they are the personal successors and the personal lineal descendants of the original institutors of these chapels, and that they are naturally and laudably attached to the memorials of their dead and to the place of their remains—I must remember, too, the enormous difficulty, at the present moment, of finding a claimant with a good title to the property—I should consider also the gross scandal to which litigation on such matters is likely to give rise, and to which, as it

appears, it has actually given rise;—and I must say, without wishing to give offence to any man, that I should also have to consider this—that while for a hundred years, upon the average, Unitarian principles have been preached in these chapels, the classes of persons now coming forward and claiming to be the rightful possessors of them, have endured in silence that abuse, (as they deem it,) of the trusts—have fought, side by side, and shoulder to shoulder, with Unitarians, in their struggle for civil franchises—have derived great benefit from the co-operation of Unitarians in the acquisition of those advantages, and have not taken any step during three or four generations to put an end to a misapplication of the funds of those chapels which have been originally endowed for other than Unitarian purposes; and therefore, Sir, I should still feel that if there has been a breach of trust, the case was one of a most painful and difficult description. But the main question still is this, has there been a breach of trust and a violation of the intentions of the founder? Now the custom out of doors has been, not to *shew* what have been the intentions of the founder, but to *assume* them. The custom has been to say, that the first institutors of these chapels believed in the doctrine of the Holy Trinity, and then at once to pass to the conclusion, that therefore Unitarians are disqualified from holding them. But that is leaping over the whole argument. Upon that subject I join issue with them. So far from saying, as Mr. Evans says, that “the present law says the will of the founder is to be observed, whereas the present Bill says that the will of the founder is not to be observed,” I say that, according to the present law, the real will of the founders will be set aside unless the Legislature interfere to prevent it by passing this Bill. That position, I am aware, raises an historical question of great importance. It appears to me that if you intend to shew that the Unitarians are disqualified, you must shew in the first place both that the trustees hold under the original institutors of these chapels as under founders, and over and above that first question, which I pass by as a question bearing more of a legal character—it is likewise absolutely necessary you should shew that the intention of those parties who first associated together

was to bind their posterity permanently to the same profession of faith as that which they themselves possessed. Now it is there that you will find, as I am persuaded, an insuperable difficulty. You are dealing with the case of a body, which, if you examine its history, you will find was from generation to generation, almost from year to year, during the seventeenth and eighteenth centuries, in a state of perpetual change; and it affords no argument at all, and will only tend to bewilder and mislead the judgment, if you go back to the writings of the ancient Puritans, and ask what they thought upon these great questions of Christian doctrine. You must go on from year to year, and consider the direction which religious inquiry was taking, and its progress from time to time, as well as its condition at a given time. May I venture so far to presume upon the patience of the House as to ask their attention to some historical particulars which I consider to be essential to the matter in issue? Although I know that there is a great indisposition in this House to resist the Bill, and debate may therefore be of less importance with a mere view to the division, yet I am well aware that there is a strong feeling against it out of doors, and I am, on the other hand, quite sure that if we can shew to the people of England that justice is concerned in the passing of this Bill—not only justice to the present holders of these chapels, but justice likewise to the real intentions of those who first established them—I am persuaded that the opposition which is made to this Bill will dwindle into nothing.

Now, first of all, I would ask, who are the parties into whose views we ought to institute an investigation? Not the Presbyterians preceding the period of the passing of the Act of Toleration. It is clear that the opinions of that body were in a progressive and fluctuating state; great changes had even already taken place in their doctrines and opinions antecedently to the passing of that Act, and the signs of still further and greater changes were visible. The Presbyterian body, which originally held the tenets of Calvin, had adopted Arminian doctrines at the period of the Act of Toleration. This change of itself was no small one. But over and above this, the Presbyterian body,



which in 1643 actually composed the Westminster Confession, in 1690 had virtually abandoned it, and I do not find that since that period the use of the Westminster Confession has been resumed by them. Now I ask the House, whether that is not an important point? If you find men in the habit of conducting their religious matters without reference to creeds, the fact does not of itself necessarily justify any strong inference: it may be that it is because they have not found any necessity for creeds; but if you find the children of those who have framed a creed, departing from that creed and casting aside the use of it, you cannot resist the inference that they had some reason for it, and that that reason was in their view some strong and cogent one. Then, Sir, as early as in 1657, Mr. Baxter wrote a work in which he declared distinctly that he objected to all confessions of faith not couched in scriptural phraseology, and stated that there never would be peace in the Church until creeds were reduced to the language of Scripture. I am almost tempted to read a curious passage, extracted from a well-known work, Mr. Cotton Mather's *History of the Pilgrim Fathers in New England*. There you have the Puritan body in its purest form, and no man will say that those men were not highly conscientious. I speak of them as individuals, and I must say, differing from them as I do, and lamenting the course they took, I believe not only that they were sincere men, but likewise that the main motive of which they were conscious in their proceedings was a desire to realise what they thought the whole will and word of God in a form more unmixed than, as it appeared to them, it could be found in the existing church. But now observe the idea of Christianity, as a shifting, changing, and advancing subject, contained in this passage. This was the address of Mr. Robinson, the leader of the colony of New England, delivered in the year 1620 to the first planters of that colony, and I quote it in support of my argument, that you will fall into the greatest error if you look at what was the actual belief at a particular period, and apply that belief to a period a century afterwards—"For  
 " my part, I cannot sufficiently bewail the condition of the Re-  
 " formed Churches, who are come to a period in religion, and will

“ go at present no further than the instruments of their first  
 “ reformation. The Lutherans can’t be drawn to go beyond what  
 “ Luther saw. Whatever part of His will our good God has  
 “ imparted and revealed unto Calvin, they will die rather than  
 “ embrace it. And the Calvinists, you see, stick fast where they  
 “ were left by that great man of God, who yet saw not all things.  
 “ This is a misery much to be lamented; for though they were  
 “ burning and shining lights in their times, yet they penetrated  
 “ not into the whole counsel of God; but were they now living,  
 “ they would be as willing to embrace further light as that which  
 “ they first received. I beseech you to remember it; it is an  
 “ article of your Church-covenant, that you will be ready to re-  
 “ ceive whatever truth shall be made known unto you from the  
 “ written Word of God. Remember that and every other article  
 “ of your most sacred covenant.” There you have the seed of all  
 those progressive changes, of the effects of which you are now  
 considering the course. I will only further remind the House  
 on this part of the inquiry, that Mr. Hallam tells us in his  
 History of the reign of William III. that the feeling of the Dis-  
 senting body, which originally resisted particular forms and  
 particular impositions by high authority, had even at its com-  
 mencement become rather a feeling of opposition to all creeds  
 and to all human interpretations of Scripture.

I come now to the Toleration Act. And here I must ask,  
 when were these foundations really made?—for that is a point  
 of considerable importance. There were very few before the  
 Toleration Act, and those we may reject. The great mass,  
 according to a statement made on behalf of the Unitarians in  
 the Lady Hewley case, and adopted as I perceive by the Bishop  
 of London, an eminent authority in opposition to this Bill, may  
 be taken to have been made between 1690 and 1710. But  
 those who made these foundations, did not die until some time  
 after they were made. They remained in the natural course of  
 things for many years the natural guardians of their own founda-  
 tions. We must allow, therefore, to the parties who founded  
 these chapels the usual term of human life, and assuming them  
 to have lived some thirty years after those dates, they were

themselves for the most part alive and approvers of what took place, after the year 1690 and before the years from 1720 to 1740. Of course these dates do not admit of the utmost degree of precision, but I say it is upon the whole the state of opinion in that body between the years 1690 and 1740 that it is my business to look at. I look at it as a question of history, and I endeavour to form a judgment from that history as impartially as I can. It is clear that at the commencement of that period there were two great antagonistic principles engaged in deadly conflict—the one, a regard to authority in matters of religion, and a view of religious truth as something permanent, substantive, independent, and immutable; and the other, the supremacy of private judgment. I say that these two great principles were struggling together at the time of the Toleration Act, and that a regard for the supremacy of private judgment, and a disinclination to tolerate human interpretations of Scripture, was even at, and before that time, rapidly gaining the upper hand over the old principle, of which I have shewn that some records might be found. Now may I be allowed to give the House historical proofs of that important position? The House is very well aware that it was required by the Toleration Act, that parties, before they could take the benefit of that Act, should subscribe a declaration which involved indeed a great deal more besides, but which required, among other things, a confession, in the most explicit form, of their full belief in the Holy Trinity.\* Now the first point I put is, that that Act was not universally subscribed. The case of Dr. Calamy,

\* It is to be observed, that the *Irish* Toleration Act, which was not passed till 1719, required no such declaration. The following is an extract from a letter respecting it, from Dr. King, Archbishop of Dublin, to the Archbishop of Canterbury, published in Bishop Mant's History of the Church of Ireland, vol. ii. p. 340, dated 1st December, 1719:—"Your Grace gave me an intimation to take better care to guard against the Socinians than you had done in your Act. Your Grace's advice has always great weight with me, and in pursuance of it I endeavoured it all I could; but alas! instead of obtaining any better security on that point, what you have, is left out in our Act, *and the whole doctrine of the mystery of our Salvation waived, and every one left at liberty, whether he will deny or believe it.*"

which has been mentioned as a remarkable one, because he was an eminent and devout man, and a sincere believer in the Holy Trinity, is an instance; it appears that he never subscribed. I again appeal to the authority of Mr. Hallam, who acquaints us that the measure of liberty accorded by the Toleration Act was but a scanty measure; but he says it proved more effectual through the lenient and liberal policy of the 18th century; the subscription to articles of faith, which soon became as obnoxious as that to matters of a mere indifferent nature, having been *practically* dispensed with. It is pretty evident that soon after that time, among Dissenting bodies, subscriptions to articles of faith were practically dispensed with; but at the period of the Toleration Act, it appears clear that the great mass of Dissenting ministers then intending to officiate did subscribe the declaration. There is still extant one of the latest works of Mr. Baxter, one of the most distinguished men belonging to them—a man of great learning, great piety, and great genius, and one who, as far as his personal qualities were concerned, certainly did deserve the high position and the great influence which he exercised among the Nonconformists. Baxter, in 1689, published a work called, “A Sense of the Articles of the Church of England,” the object of which was to reconcile Dissenting ministers to this subscription: shewing that already the elements of repugnance to subscription were powerfully felt. In that work Mr. Baxter wrote thus:—“Wishing that God’s own Word “were taken for the sufficient terms of our consent and concord, “in order to union and communion, and knowing that the ambiguity of words, and our common imperfection in the art of “speaking, do leave an uncertainty in the sense of most human writings till explained, and yet supposing that the authors “of the Articles meant them orthodoxly, that I may not seem “needlessly scrupulous, I subscribe them; and that I may not be “unconscionably rash in subscribing, I here tell all whom it may “concern how I understand the words which I subscribe.” Thus Baxter was willing to subscribe, yet not without stating his regret that any subscription whatever was required beyond an



acknowledgment of the Canon of Holy Scripture ; and not without also putting his own sense upon the articles. That sense is also in some particulars not a little remarkable ; as, for example, where, upon the article which affirms the Athanasian Creed, he actually excepts from his assent a part of that creed. And although it is a deviation from regular order, I must here revert to an instructive circumstance which had already happened, and which shows the tendency which was already operating, to fall back from all creeds upon the simple volume of scripture, and for the greater security to fence about that volume, by requiring its reception under the severest penalties. In the year 1648, an ordinance was passed in the Long Parliament, by which it was actually made an offence, punishable by death, to deny that which is manifestly only a question of historical inquiry—the authenticity of any one of the books contained in the canon of Scripture. I question if a more singular enactment was ever passed.

I must now call upon the House to observe, that although a great number of ministers subscribed, it appears that no less than eighty of them, in and about London, subscribed in the sense and with the reservations of Mr. Baxter.

Now, I admit that some of the pamphlets upon this subject have introduced one or two facts which appear at first sight to bear in a contrary direction, and to favour the principle of subscription. They have not been referred to here, but I think it right just to allude to them. There is a document described as “ Heads of Agreement assented to by the United Ministers in and about London, formerly called Presbyterian and Congregational ; not as a measure for any national constitution, but for the preservation of order in our congregations, that cannot come up to the common rule by law established.” Now, I wish to give my honourable friend the Member for the University of Oxford the benefit of a stronger fact than any he has stated. In the 8th of those Articles there is this : “ As to what appertains to soundness of judgment in matters of faith, we esteem it “ sufficient that a Church acknowledge the Scriptures to be the

“ Word of God, the perfect and only rule of faith and practice,  
 “ and own either the doctrinal part of those commonly called the  
 “ Articles of the Church of England, or the Confession, or Cate-  
 “ chisms, Shorter or Longer, compiled by the Assembly at West-  
 “ minster, or the Confession agreed on at The Savoy, to be agree-  
 “ able to the said rule.” I am not, therefore, in a condition justly  
 to assert that, at this time, subscription was repudiated. But,  
 on the other hand, I must offer some qualifying remarks. In  
 the first place, this is not intended in any manner to guarantee  
 the profession of a permanent belief. It was not the foundation  
 of a permanent decree, but rather a treaty of co-operation for  
 immediate and practical purposes. In 1694, on account of  
 doctrinal differences which kept swelling and struggling upwards,  
 such a project as the union was found to be quite impossible,  
 and those Articles of Agreement came altogether to an end, and  
 upon them of course depends the virtue (if there be any) of what  
 I have quoted. But here again I must observe that the wil-  
 lingness of parties even to subscribe for themselves, does not ne-  
 cessarily imply that they are anxious, or even that they would  
 consent, to bind their posterity. Assuming that these parties  
 were willing at that time to subscribe, that might be because  
 they themselves believed in these particular doctrines, but it  
 may still be true that they meant to leave to others the means  
 which they had themselves put in action, of departing from the  
 belief of their predecessors. But when I look at these chapel  
 deeds, I find, according to the best accounts I can obtain of the  
 terms in which the trusts are commonly declared, that the  
 most general words are used, and if the parties who themselves  
 were willing to subscribe, when they came to found meeting-  
 houses, which of course were intended to be used by their pos-  
 terity as well as by themselves, no longer referred to doctrinal  
 tests, but framed their deeds in the largest and most general  
 language ; does not that raise a strong presumption, that though  
 they were themselves believers in particular doctrines, yet they  
 objected, on principle, to binding their posterity to the main-  
 tenance of them for ever ?

I have no motive to bias me, that I am aware of, in this matter, and I wish to state strongly to the House, and to bring strongly before my own mind, the arguments on the other side. There are two other points urged by them. One argument which has been used by those who oppose the Bill (though it has not been made in this House) is as follows:—Those who declared these trusts, and who associated themselves for the purpose of establishing these chapels, never could be expected to specify the particular doctrine of the Holy Trinity, because it was at that time forbidden by law to deny that doctrine. Now, does any man seriously think that that is a compliment to the foresight, the sagacity, and common sense of those who drew these deeds, or of the parties for whom they acted? Does any man think that those who had seen the changes which took place in the seventeenth century, calculated on the permanence until doomsday, of that declaration which, under the Toleration Act, ministers were required to subscribe? They had seen the Canons of 1640, passed under Archbishop Laud—they had seen the Act of 1648, denouncing the penalty of death against any person questioning the authenticity of the canon of Scripture—they had seen, in 1661, the Act of Uniformity passed—they had seen, in 1689, Nonconformity legalized and permanently established under the shelter of the law—and is it to be supposed, that with such experience, those men were so unobservant as to imagine, that the great movement which they had themselves used all their strength to impel, and which manifestly embodied the prevailing sentiment and spirit of the time, had reached the extreme limit of its progress—that they applied, in fact, the doctrine of finality to that particular form which the policy of the Legislature had assumed in the Toleration Act? It is obvious that they could have done no such thing. But, again, some say that the doctrine was so fixed, not merely by law but by religious faith, in the minds of men, that it never occurred to them that it could be doubted, and therefore that they never thought of predicating it expressly in the trust-deeds. But this ground is cut away from them, because it so



happens that at this very period the keenest controversies were raging with regard to that doctrine. Even before the Toleration Act, those controversies had commenced. The works of foreign Unitarians had been brought into England. Men of very considerable eminence—Mr. Biddle, Mr. Firmin, and others,—persons, I am bound to say, of great individual virtue—were professors of those doctrines; and I do not suppose that years would suffice, to read the tracts that were published on the subject of this controversy, during the very period in which these chapels were instituted. How, therefore, can it possibly be said that the reason why these parties excluded all reference to the doctrine which they wished to promulgate, was because it was a doctrine as to which no doubt was entertained by any of the religionists of the day?

Now my honourable and learned friend, the Attorney-General, and likewise my right honourable friend, the Member for Edinburgh, have referred to the Act of Queen Anne, in 1711: and the provisions of that Act, exempting non-subscribers from the penalties they had incurred under the Toleration Acts, lead to the inference, both that they were a considerable class, and likewise that the offence they had committed was a light one in public opinion; that is, that subscription to the Articles, by Dissenters, was falling into disrepute. But some honourable Member has quoted to-night a case which occurred in the year 1702, when Mr. Emlyn, an Irish minister, adopted Arian opinions, and became the object of universal reprobation among his brethren. That is the history of 1702; but the peculiarity of this case is, that the history of 1702 is not good for 1703, nor is the history of 1703 good for 1704. I will shew that a few years after that date, liberty or license—call it which you will—and we might differ perhaps upon that question—had come to such a height, that the whole Presbyterian body had become divided. What took place in 1718? A Bill was then brought forward by the Ministry of that day, for the purpose of repealing the restrictive Acts passed in the reign of Queen Anne—that is, those portions of the Schism Act and the Occasional Confor-

mity Act which were restrictive in their operation. That Bill was called, "A Bill for strengthening the Protestant Interest," and while it was before Parliament, an attempt was made to introduce into it the following declaration. The Bill passed a second reading in the House of Commons in January by a majority of 243 to 202. On going into Committee, a motion was made by Lord Guernsey, "That it be an instruction to the said Committee, that they have power to receive a clause that any person, when he comes to take the oath of Abjuration and other oaths subsequent to the receiving of the Sacrament in order to his qualification, shall acknowledge that the Holy Scriptures of the Old and New Testament were given by Divine inspiration, and shall acknowledge his firm faith and belief in the ever-blessed Trinity." But the previous question being put, "that the question be now put upon the said motion," it passed in the negative by 90 voices, several Members who voted against the Bill "for strengthening the Protestant Interest," &c., having, notwithstanding their opposition to that Bill, voted also against the Amendment proposed by Lord Guernsey. Now, here was a declaration of the doctrine, reduced to the most naked and unobjectionable form. It is not involved in a multitude of scholastic terms or refined definitions, but it is a simple proposition that a plain and perfectly intelligible declaration of belief in a particular doctrine, reduced to the most naked form, shall be made the condition of holding office. The Bill had been carried by a majority of forty-one only. The motion was rejected by a majority of ninety. All those who supported the Bill and represented the united Dissenting interest in Parliament opposed that clause. Does not the right honourable gentleman think that that is a pregnant fact to shew what was taking place in the minds of Dissenting ministers and of Dissenters generally at that time? And be it remembered, too, that at that period the greater part of these founders, as my honourable friend, I think inaccurately, calls them, on whose behalf, or on behalf of whose descendants, he is interesting him-

self, must have been themselves alive to take care of their own foundations.

But now, Sir, I come to what is a still more important matter, and to what I say is an absolute charter of freedom of opinion with respect to these questions, so far as the Presbyterian body are concerned—I mean that which is well known as the Salters' Hall controversy. In 1718, two Dissenting ministers, named Hallett and Pierce, of Exeter, were charged before the committee who governed their congregation, with having preached Anti-Trinitarian doctrines. The Committee examined the case, and they decided against their ministers. But it is a very remarkable fact that those doctrines were not condemned by a declaration that they were contrary to the Christian faith, but it was simply stated that a denial of the blessed Trinity was an error such as to justify the withdrawal of the congregation from the preachers. That was the whole extent of the assertion made. Having before them distinctly the case of their own ministers, who had abandoned the preaching of the doctrine which they professed, and who had adopted an opposite doctrine, they passed a resolution that there were some errors of doctrine which afforded a sufficient ground for congregations to withdraw from ministers holding such doctrines, and that a denial of our Lord's Divinity was, in their view, a doctrine of that nature. But, Sir, there was much more than that. The Dissenters of London acted by means of a central body, which regulated the proceedings of all other Dissenters throughout the kingdom. A formal reference was made to them upon the schism between the ministers and congregation of Exeter. They met in large numbers. All the Dissenting ministers in London and its vicinity, met to consider this great question in Feb. 1719, and they had a very solemn consideration of it. It was debated whether a declaration concerning the doctrine of the Trinity should be inserted in the letters of advice which it was resolved to send down to Exeter, and it was carried by a small majority—by 73 to 69—that that doctrine should not be conveyed to the congregation at Exeter. Is it possible,

then to deny, that in 1719 the opinion of a majority, although a small majority, of the Dissenting body was, that this doctrine should not be made a term of communion? And if so, how can it be said that no doubt was entertained with regard to the doctrine itself? How, above all, can it be held that the denial of it is a disqualification for succeeding to the use of the chapels *now*, if it was not a bar to communion *then*?

But, Sir, the case is still stronger. That meeting was composed of Presbyterians and Independents together. The Independents were not possessed, like the other class, with a tendency to Unitarianism, and therefore the minority was in point of fact in a great part made up of the Independent body; but the historians of the Dissenters, Messrs. Bogue and Bennett, fairly admit that the majority of the Presbyterian body who assembled on this occasion, were hostile to any declaration as to the doctrine of the Trinity. Now if we keep in view the fact, that that was a period when the majority of these founders of chapels, or partners or associates in them, were still alive, is not that fact of itself almost conclusive upon the question, as to whether by passing this Bill we are violating the intentions of those founders?

Sir, I have troubled the House already at such length, that I am very reluctant further to trespass on its attention; but I deem this subject to be so important, and what I have to say upon it still, is so brief, that I cannot prevail upon myself altogether to omit it. There is a most singular testimony upon this subject. It goes further than I should venture to go, because I should not presume to go up to the point of saying that non-subscription was a fundamental principle before the Toleration Act. I do say, however, that from 1718 it was established. But I find that Mr. Wilson, who plays a great part in the Lady Hewley controversy as relator, has said in express words (unless he has been misquoted), “It is equally a matter of historical notoriety that the English Presbyterians of the time of “Lady Hewley’s charity, and subsequent thereto, refused to subscribe any tests, creeds, or declarations of faith, because they



“objected to bind themselves to the words and phrases of any human composition, as the Scotch Presbyterians of the Church of Scotland then did, and as the reverend Scotch petitioners in full communion with the Church of Scotland, and the said reverend Scotch petitioners in connection with the Secession Church, now do.”\* Mr. Wilson, therefore, comes forward and says, “It is true that you Scotch Presbyterians are subscribers, but we English Presbyterians were always non-subscribers,” and thus he establishes the very position which, if it be made good, renders the argument for this Bill, not as a question of compromise, or of settlement by way of limitation, but *upon its merits*, in the strictest sense, quite irresistible.

But, Sir, I am going to quote to the House the sentiments of two individuals upon this most important question, expressed within the periods to which I have referred. First, I will refer to the sentiments of Dr. Calamy, and then to those of a man who perhaps stands higher in reputation among religious persons of the Dissenting body than any other individual of the eighteenth century—Dr. Doddridge. Dr. Calamy wrote in 1718 upon the subject of this Salters’ Hall controversy. He was delivering a course of lectures on that great doctrine to which I am sorry to have had occasion so often to refer by name—he was solicited to join in this Salters’ Hall controversy, but briefly refused to do so, and he gives this very clear account of that refusal. He says, “I told him ” (that is, the person who applied to him) “that as for the true eternal Divinity of the Lord Jesus Christ, I was very ready to declare for it at that time or any other, and durst not in conscience be at all backward to it. But I could upon good grounds assure him that was not the point in question among those that were to meet together on the day

\* Accurately quoted from an affidavit sworn by Mr. Thomas Wilson, the Relator in the Lady Hewley suit, on the 23rd October 1836, (*after the Unitarians had been ejected*) and filed in the Master’s office. See the affidavit at full length in page 136 of a volume entitled “The Third Act of the Controversy pending in the High Court of Chancery in the Cause of The Attorney-General v. Shore, being the proceedings before the Master to determine the proper parties to be trustees in the place of those removed. 1837.”

“ following ; that certain gentlemen behind the curtain had so influenced their respective friends for two different ways and methods to which they severally inclined, that, as they appeared disposed, a fierce contention and a shameful breach was in my apprehension unavoidable. As to the grand matter which they contended about, I was entirely of the mind of the celebrated Mr. Chillingworth, who closes his preface to ‘The Religion of Protestants a Safe Way to Salvation,’ with these memorable words : ‘ Let all men believe the Scripture and that only, and endeavour to believe it in the true sense, and require no more of others ; and they shall find this not only a better, but the only means to suppress heresy and restore unity. For he that believes the Scripture sincerely, and endeavours to believe it in the true sense, cannot possibly be an heretic. And if no more than this were required of any man to make him capable of the Church’s communion, then all men so qualified, though they were different in opinion, yet, notwithstanding any such difference, must be of necessity one in communion.’ ” So much for Dr. Calamy. Now let us hear the words of Dr. Doddridge, with whose testimony I will close my examination of the sentiments and the doctrinal movement of the Presbyterian body between 1689 and 1740. In a letter dated December 1737, he uses this remarkable language,—“ I think we cannot be too careful not to give any countenance to that narrow spirit which has done so much mischief in the Christian Church. And what confusion would it breed amongst us, if those who were supposed to be of different sentiments, either in the Trinitarian, Calvinistical or other controversies, were to be on both sides excluded from each other’s pulpits ! ”

Now, by what has taken place in Parliament, by what has taken place at meetings of Dissenting ministers, and by what has been stated by the greatest oracles of those Dissenting ministers, it is established, that before the deaths of the very parties who first of all associated themselves together in order to establish these chapels, it had become entirely an open question whether or not a man should hold the orthodox and

ancient belief with regard to the doctrine of the Trinity. It is needless to go beyond the year 1740, but if there were occasion for detail, it might be easily supplied. In 1772, the movement became so strong against the principles of subscription, that an application was made to Parliament upon the subject, and in the year 1779, a Bill was passed which relieved the parties from the existing form of subscription, and substituted another, though even that latest form of subscription by Dissenters was not, I believe, complied with. Upon that I do not stand, because if you could shew that the transition took place at a period so long after the deaths of the parties founding these chapels, you might create dissatisfaction in the public mind, though I do not think you would prove thereby that this Bill ought not to pass.

But, Sir, to me it appears that this is not a question on which there is justly any room for difference of opinion. I cannot admit that it is subject to the smallest doubt, whether these parties ought to be regarded, or not, as qualified successors of the early Presbyterians in their chapels. If you are satisfied to look at nothing but the mere external view of the case, and to say, Here were certain persons who founded these chapels entertaining one creed, and the present possessors of those chapels profess another creed, I admit that that sounds startling. But if you take the pains to follow the course of events from year to year, it is impossible to say that at any given period the transition from one doctrine to the other was made. It was a gradual and an imperceptible transition. There can be no pretence for saying that it was made otherwise than honestly. I at least do not hold myself entitled to say so. The parties who effected it made a different use of the principle of inquiry by private judgment from those who had preceded them ; but they acted on a principle fundamentally the same, and though I may lament the result, I do not see how their title is vitiated because they used it to one effect, and others to another. I do therefore hope, not only that this Bill will be passed by the House, but I hope also, and I cannot entertain much doubt, that the feeling



which unfortunately prevails against it out of doors will also be allayed. I think it is our duty to set ourselves against that feeling, and to endeavour to bring about a mitigation of it, if we are convinced it is unjust and ill-informed : and I do not believe that my honourable friend the Member for Kent will be content to tell us, when this measure comes again before the House, that we are passing a Bill for the encouragement of error. If my honourable friend were a Judge, and there came before him two parties litigating for an estate, one of whom was an infidel and a profligate and every thing that was bad, and the other a most pious, virtuous and benevolent man, would he be deterred from giving the estate to the infidel and profligate, if justice lay on his side, because he encouraged error? or would he be deterred,—I well know he would not,—by such a reproach, from the resolute discharge of his duty? But I apprehend that the duty of a Judge in such a case as that, much resembles the duty which my honourable friend is here called on to perform ; for he is now called on to remedy a defect in the law, and to adapt the law to the general and larger principles of equity and justice. And, again, I am not in the position at which my honourable friend the Member for Pontefract\* seemed to glance in his speech of to-night. I feel no competition or conflict between my religious belief and the vote I am about to give. I am not called upon to do that which I could not do, namely, to balance the weight and value of a great moral law, against that of some high and vital doctrine of Christianity. Our religious belief should guide us in this as in other acts. But I contend that the best use you can make of your religious belief is to apply it to the decisive performance, without scruple or hesitation, of a great and important act—an act which, whether the consequences to arise from it may be convenient or inconvenient, (and I believe the balance will be found to be greatly on the side of convenience, but that is the second question, not the first, of those now before us,) I hope I have in some measure proved to be founded on the permanent principles of truth and justice.







